IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11446 of 2003

Between:

1. T.Balakondala Rao, S/o. Chinnabbai Naidu,
   Aged 66 years, R/o 33-23-3A, Krishna Rao Street,
   Kasturibaipet, Vijayawada, Krishnra District.
2. T. Bhavani, w/o. Balakondal Rao,
   Aged 55 years, R/o 33-23-3A, Krishna Rao Street,
   Kasturibaipet, Vijayawada, Krishnra District.R/o.
3. T.V.Vijaya Kumar, S/o. Balakondal Rao,
   R/o 33-23-3A, Krishna Rao Street,
   Kasturibaipet, Vijayawada, Krishnra District.
4. T.V.Ajay Kumar, S/o Balakondal Rao,
   R/o 33-23-3A, Krishna Rao Street,
   Kasturibaipet, Vijayawada, Krishnra District.

..... PETITIONERS

AND

1. The chief Engineer,
   State Bank of Hyderabad, Authorised Officer,
   (Under the Security Interest Act 54/2002)

Governerpet Branch, Vijayawada,

Krishna District.

2. The Registrar of Co-operative Societies,

Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction especially one in the nature of writ of mandamus declaring that impugned order dated 22-01-2003 and consequential notice dated 9-6-2003 issued by the respondent under provisions of Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 54/2002 as illegal, arbitrary and violative of principles of natural justice and also violative of basic principles of Rule of Law of Fundamental rights guaranteed under Constitution of India and therefore set aside the same as the provisions of Section 13 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 54/2002 is ultravires and unconstitutional.

Counsel for the Petitioner:MR.M.SURENDER RAO , Advocate.

Counsel for the Respondent No.2: MR.K.V.SIMHADRI, Standing Counsel for Agriculture

The Court made the following :

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

_____

DEVINDER GUPTA, CJ.

_____

28th June, 2004 G.ROHINI, J.

Tvr/Jsu

To

1. 2 CCs to the Standing Counsel for Central Government, High Court Buildings, Hyderabd (OUT)

2. The Chief Manager, S.B.H. Vijayawada.

3. The Registrar of Coop. Societies, Hyderabad.

4. 2 CD copies.